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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/044,367 | 01/10/2002 | Robert K. Galkiewicz | 57384US002 | 8238 |

32692 7590 10/22/2003

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EXAMINER

AHMAD, NASSER

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1772

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,367

Applicant(s)

GALKIEWICZ ET AL.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Rejection maintained

1. Claims 1-16, 21-23 and 35-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Calhoun for reasons of record in paper no. 3, paragraph- 3, mailed on March 26, 2003.

2. Claims 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calhoun for reasons of record in paper no. 3, paragraph-5.

Response to Arguments

3. Applicant's arguments filed July 31, 2003 have been fully considered but they are not persuasive.

Applicant argues that Calhoun fails to disclose protrusions on the release liner layer that can reduce contact area between the release liner layer and the adhesive layer or physically penetrate the adhesive layer. This is not deemed to be convincing because, as discussed in the rejection made in the last Office Action (paper no. 3), Calhoun clearly teaches the presence of protrusions on the release liner layer as explained to be the area between the depressions in the release liner layer. As such, the release liner layer would only contact the adhesive at said raised or protruded portions and hence, provide for the reduced contact between the release liner layer and the adhesive layer. As shown in Calhoun, the adhesive extends into the depression

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areas of the release liner layer to provide for the release liner layer to extend or penetrate into the adhesive layer. Additionally, as argued by the applicant that the protrusions "can reduce" contact is directed to an optional statement and is not a required limitation in the claims, and hence, said phrase has not been given consideration as argued.

Further, in acknowledging applicants' citation of Calhoun's example 1 and noting applicant's acceptance of the fact that the example indicates 96% of the surface area would be protrusions and a release liner layer with low adhesion coating is required therefor, it is noted that the protrusions do indeed form a pattern that would increase releasability from the release liner than when the entire adhesive surface would have contacted the release liner layer.

In response to applicant's argument about claim 3, the Calhoun clearly teaches that the release liner layer penetrates the adhesive layer as discussed hereinabove and also contacts the backing layer when the adhesive article of figure-7 is in a rolled form. Further, assuming *arguendo* that the adhesive article is not in a rolled form, then also Calhoun reads on the article claimed in claim 3 because the release liner contacts the backing layer. The contact may not be "direct contact", but the claim does not require such direct contact.

Applicant also argues that Calhoun provides no teaching to modify the area size to reduce contact or penetrate the adhesive layer, this is not found to be persuasive because the area size and similar parameters are deemed to be obvious design choice modification in the size, shape, etc. of the adhesive and/or the release liner layer. In the

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alternative, the parameters can be also obvious based on optimization through routine experimentation for contact between the adhesive and the release liner layer.

Thus, in the absence of any evidence to the contrary, it remains the examiner position that the claimed invention is anticipated or rendered obvious to one having ordinary skill in the art as discussed above.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

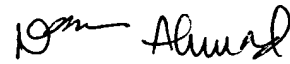
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can normally be reached on Monday through Thursday from 7:30AM to 5:00PM. The examiner can also be reached on alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Nasser Ahmad
Primary Examiner
Art Unit 1772

N. Ahmad.

October 19, 2003.